



STATE OF DELAWARE

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August 3, 2016

MEMORANDUM TO FILE

TO: File

FROM: Toni Loper, Public Utility Analyst

SUBJECT: IN THE MATTER OF THE APPLICATION OF NEWENERGY EAST, LLC FOR A
CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICE WITHIN THE STATE OF DELAWARE
(FILED MARCH 16, 2000; AMENDED AUGUST 3, 2016) – PSC DOCKET NO. 00-162

IN THE MATTER OF THE APPLICATION OF NEWENERGY EAST, LLC FOR A
FOR APPROVAL OF A NAME CHANGE TO AES NEWENERGY, INC. (FILED APRIL 26, 2001) –
PSC DOCKET NO. 01-175

IN THE MATTER OF THE APPLICATION OF AES NEWENERGY EAST, INC. FOR A
APPROVAL OF A NAME CHANGE TO CONSTELLATION NEW ENERGY, INC. (FILED
OCTOBER 7, 2002) – PSC DOCKET NO. 02-348

On March 16, 2000, NewEnergy East, LLC (“NewEnergy”) filed an application with the Delaware Public Service Commission (“Commission”) for an Electric Supplier Certificate (“ESC”) to become a retail electric supplier in the State of Delaware in accordance with the Electric Utility Restructuring Act of 1999, 26 *Del. C.* § 1001 et al. (the “Act”) and the Commission’s Rules for Certification and Regulation of Electric Suppliers, 26 *Del. Admin. C.* § 3001 (the “Supplier Rules”).¹ NewEnergy sought certification as a retail electric supplier that would supply retail electric service to large commercial and industrial customers in the State of Delaware. In Order No. 5427, dated May 9, 2000, the Commission approved NewEnergy’s application for an ESC. NewEnergy subsequently changed its name to NewEnergy East, LLC in PSC Docket No. 01-175. On October 7, 2002, NewEnergy East, LLC changed its name to Constellation NewEnergy, Inc. (“Constellation” or “Company”) in PSC Docket No. 02-348.

On June 17, 2015, the Company filed its standard contract for Small Commercial Customers. At this time, Staff did not inform the Company that an amendment to the ESC was required prior to serving Small Commercial Customers. The Company submitted its standard contracts for Residential Customers and revised contracts for Small Commercial Customers on February 25, 2016 and again on June 20, 2016. Again, Staff did not inform the Company that an amendment to the ESC was required prior to

¹ All reference to capitalized terms are set forth in 26 *Del. C.* § 1001 and 26 *Del. Admin. C.* § 3001.

serving Residential and Small Commercial Customers. On August 2, 2016, Staff became aware of this oversight and notified the Company. On August 3, 2016, Constellation filed an application to amend its ESC. In accordance with section 2.1.1.9 of the Supplier Rules, Constellation has provided its standard contracts for Staff review. Staff believes that Constellation's standard contracts for Residential and Small Commercial Customers are consistent with the Supplier Rules.

Based on Staff's review of the Company's contracts, Constellation has satisfied the requirements under the Act and the Supplier Rules to provide service to Residential Customers in the State of Delaware. Therefore, Staff recommends the Commission approve Constellation NewEnergy, Inc.'s application to amend its ESC to provide Electric Supply Services to Residential and Small Commercial Customers within the State of Delaware, no further action is required.